

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Douglas Harry Warenback,

Case No.: 2:17-cv-02834-JAD-VCF

4 Petitioner

Order

5 v.

[ECF Nos. 8, 9]

6 Brian Williams, et al.,

7 Respondents

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9 In November, I dismissed this case because petitioner Douglas Warenback already has a
10 habeas petition pending in case no. 2:15-cv-01789-APG-VCF, and he had not asked the Ninth
11 Circuit for leave to file an additional petition.¹ In response, Warenback filed a “request to
12 transfer petition and close this case.”² In it, he acknowledges that this case is moot and should be
13 closed, but he asks that I “transfer” the petition he filed in this case to his 2015 action because
14 “the petition filed in this case is more clearly written and [its] attachments are more clearly
15 written.”³

16 The court has no mechanism to “transfer” this petition to the case pending before Judge
17 Gordon and make it the new operative petition in that case. If Warenback desires to improve
18 upon his petition in the 2015 action, the proper avenue to obtain that relief is to move in that case
19 to amend the petition. Indeed, since I dismissed this petition, Warenback has filed two motions
20 to amend in the 2015 case, and Judge Gordon has issued rulings on those motions.⁴ And because

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22 ¹ ECF No. 5.

23 ² ECF Nos. 8, 9.

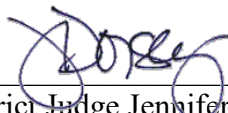
³ ECF No. 8 at 2.

⁴ See 2:15-cv-01789-APG-VCF, ECF Nos. 62, 66, 68, 69, 77.

1 I already closed this case when I dismissed it in November, Warenback does not need further
2 order of the court to close it.

3 Accordingly, IT IS HEREBY ORDERED that Warenback's requests to transfer petition
4 and close this case **[ECF Nos. 8, 9] are DENIED.** This case remains closed.

5 Dated: July 24, 2018.

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8 U.S. District Judge Jennifer A. Dorsey
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